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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,893	11/13/2001	Roy Kayser	7750-113	6255

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EXAMINER

LEE, WILSON

ART UNIT

PAPER NUMBER

2821

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,893

Applicant(s)

ROY KAYSER

Examiner

Wilson Lee

Art Unit

2821

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-14, 16 and 17 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 18-23 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 1/24/03 have been fully considered but some of the arguments are not persuasive.

Applicant argues that Crawford does not disclose a sensor for sensing operational parameters of the light generator.

Examiner respectfully disagrees.

As clearly indicated in the previous office action, Crawford discloses a photo-sensor (20) as a sensor for sensing the operational parameter (e.g. reflected light, see Figure 1 or ambient light in other word) of the light generator (bulb 12).

Applicant argues that Crawford does not disclose a light source data storage device for storing operational parameters data correlated to the operational parameters of the light generator.

Examiner respectfully disagrees.

Crawford also quoted (See Col. 1, lines 32-46),

“... A light sensor coupled to the lighthouse detects the intensity of reflected light and **stores** this value in an electronic storage area [micro-controller]. The detected light intensity of the reflected light is compared with a presently measured light intensity and the intensity of the light emitted by the lighthouse...”

As quoted above, Crawford discloses a micro-controller (19) as a light source data storage device for storing operational parameters data correlated to the operational parameters (e.g. reflected light or ambient light) of the light generator (bulb 12) (See Figure 1 and Col. 1, lines 32-46).

Applicant argues that Crawford does not disclose the micro-controller (19) permanently integrated with the light generator (12).

Examiner respectfully disagrees.

Crawford discloses that the light generator (12) connected to the controller (19) in Figure 4. This connection is not intended to be temporary for operation. In other word, this connection is intended to be permanently integrated with the light generator (12) to render electrical communication with the controller (19) in order to operate his device. In the event that applicant still asserts that this claimed limitation (permanently integrated with) is the inventive part or novelty of the invention, examiner would like to question applicant why the connection between the light generator and the light source data storage device in his invention can be indeed *permanently integrated*. There is nothing in the world cannot be separable to become *permanently integrated*. There would be at least one kind of physical or chemical processes of separation can separate all the circuit parts, including the so-called "permanent integration" of applicant's invention. His claimed limitation would be out of reality.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Kelly et al. (5,479,159).

Regarding Claim 18, Kelly discloses a street lamp (1) as a light source comprising a lamp (5) as a light generator and a logger (11) comprising a non-volatile light source data storage device integrated with the light generator (5) (See Figure 2), wherein the non-volatile data storage data device is configured to store operational parameters data (e.g. stored data) coorelated to the sensed operational parameters (e.g. parameters from light sensor 6, timer or current sensor 16) of the light generator (5) when power is not supplied to the storage device. (See Col. 2, line 21 to Col. 3, line 14.)

Regarding Claim 19, Kelly discloses in Figures 2-4 that the light source data storage device (non-volatile memory) stores operational parameters data (e.g. sensed light or elapsed time) associated only with the light generator (5) (See Col. 2, line 21 to Col. 3, line 14).

Regarding Claim 20, Kelly discloses his invention inherently comprising a connector (e.g. threaded base, not shown) adapted to releasably operatively coupled the light source (1) to a light-emitting device (e.g. Lamp tube, not shown) since all lamps in the world must require a connector such as threaded base connecting the lamp tube or bulb to the electric source in order to obtain electrical communication and replace the faulty lamp.

Regarding Claim 21, Kelly discloses in Figures 2-4 that the light source data storage device (non-volatile memory) is mounted (e.g. fixed) to the light generator (5).

Claim Rejections – 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 5 rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly et al. (5,479,159).

Regarding Claim 2, as discussed above, Kelly essentially discloses the claimed invention but fails to disclose a housing enclosing the light generator (5), the sensor (6) and the light source data storage device (19). However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a housing enclosing the components in order to save space, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Regarding Claim 5, as discussed above, Kelly essentially discloses the claimed invention but fails to specifically disclose the particular type of lamp being used in his invention. However, since Kelly does not limit the choice of the lamps being used, the implementation of using such lamp (e.g. LEDs, incandescent bulb, halogen bulb, fluorescent bulb, arc lamp) is not restricted. It would have been obvious to one of ordinary skill in the art to use an incandescent bulb, halogen bulb or arc lamp in order to render a desired level light intensity.

Claim R ejections – 35 U.S.C. 102/103

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 22 and 23 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kelly et al (5,479,159).

Regarding Claim 1, Kelly discloses a street lamp (1) as a light source comprising a lamp (5) as a light generator, a light sensor (6) as a sensor for sensing operational parameters (e.g. light) of the light generator (5), a logger (11) comprising a light source data storage device (non-volatile memory) permanently integrated with the light generator (5) and operatively coupled to the sensor (6) (See Col. 2, line 21 to Col. 3, line 4), for storing operational parameters data (elapsed time or sensed light) correlated to the operational parameters of the light generator (5).

In addition, Kelly inherently comprising a light source connector adapted to operatively couple the light source (1) to a light emitting device (e.g. lamp tube) since all lamps in the world must require a connector such as threaded base connecting the lamp tube or bulb to the electric source in order to obtain electrical communication and replace the faulty lamp.

In the event that applicant still asserts that Kelly fails to show a permanent integration of the storage device and the light generator, alternatively, it would have been obvious to one of ordinary skill in the art to integrate the storage device and the light generator permanently in order to use his invention without checking the device routinely. Further, it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Regarding Claim 3, Kelly discloses that the operational parameters comprise at least on type of data such as run-time (See Col. 2, line 48 to Col. 3 line 3).

Regarding Claims 22 and 23, Kelly discloses that the light source data storage device (non-volatile memory) is inseparably integrated with and permanently affixed to the light generator (5).

In the event that applicant still asserts that Kelly fails to disclose that the storage device is inseparably integrated with and permanently affixed to the light generator, alternatively, it would have been obvious to one of ordinary skill in the art to integrate the storage device and the light generator permanently or inseparably in order to use his invention without checking the device routinely. Further, it has been held that

forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Claims 1, 2, 5 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Crawford et al. (5,994,844).

Regarding Claim 1, Crawford discloses a light head (2) as a light source comprising a light bulb (12) as a light generator, a photo-sensor (20) as a sensor for sensing operational parameters (e.g. reflected light) of the light generator, a micro-controller (19) as a light source data storage device permanently integrated with the light generator (12) and operatively coupled to the sensor (20), for storing operational parameters data correlated to the operational parameters of the light generator (See Figure 1), a light source connector (21) adapted to operatively couple the light source (2) to a light emitting device (e.g. video camera) (See Col. 1, lines 33-34).

In the event that applicant still asserts that Crawford fails to show a permanent integration of the storage device and the light generator, alternatively, it would have been obvious to one of ordinary skill in the art to integrate the storage device and the light generator permanently in order to use his invention without checking the device routinely. Further, it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Regarding Claim 2, Crawford discloses a light source housing (8) wherein the light generator (12), the sensor (20) and the light source data storage device (19) are all mounted to the light source housing (8). (See Figure 1.)

Alternately, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a housing enclosing the components in order to save space, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1893).

Regarding Claim 5, Crawford discloses that the light generator means (12) is an incandescent bulb (See Figure 4 and Col. 2, line 37).

Allowable Subject Matter

I. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 6-14, 16 and 17 are allowed.

The following is an examiner's statement of reasons for allowance:

The prior art neither discloses nor suggests that:

a light source connector adapted to releasably operatively couple the light source to a light emitting device comprising a controller for generating operational parameters data correlated to operational parameters of the light source such as required by claim 6;

a light source reader comprising:

- a reader housing;
- a controller for selectively retrieving the operational parameters data from the light source data storage device;
- a reader connector for releasably operationally coupling the controller to the light source data storage device, and
- a power source mounted to the reader housing and operatively coupled to the controller such as required by claim 11.

And a light emitting device comprising:

- a socket adapted to releasably engage the light source connector, wherein the socket is mounted to the device housing;
- a controller for retrieving the operational parameters data from the light source data storage device, wherein the controller is operatively coupled to the socket;
- a power source mounted to the device housing and operatively coupled to the controller and to the socket;
- wherein the operational parameters comprise at least one type of data selected from the group of data correlated to: run-time and light generator temperature such as required by claim 14;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

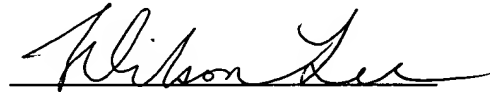
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Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (703) 306-3426.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0956.

Papers related to Technology Center 2800 applications may be submitted to Technology Center 2800 by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The Technology Center Fax Center number is (703) 308-7722 or (703) 308-7724.

A handwritten signature in cursive script, appearing to read "Wilson Lee", is written over a horizontal line.

Wilson Lee
Patent Examiner
U.S. Patent & Trademark Office

WL
4/5/03